

**UNITED STATES DEPARTMENT OF AGRICULTURE**

Farm Service Agency  
Washington, DC 20250

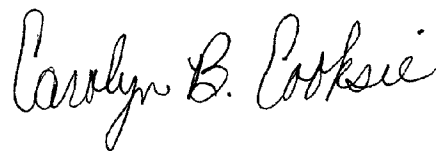
**Notice FLP-26**

1955-A, 1955-B, 1955-C

**For:** State and County Offices

**Notification Procedure in Conjunction With the Class Action Consent Decree**

**Approved by:** Deputy Administrator, Farm Loan Programs



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**1 Overview**

**A**

**Background**

A preliminary Consent Decree has been approved by the parties regarding the Timothy C. Pigford (Civil Action No. 97-1978) and Cecil Brewington (Civil Action No. 97-1978) class action. A facilitator has been appointed and will be publishing the Notice of Class Settlement. When the settlement is approved by the court it will prompt numerous questions from applicants, borrowers, media, and the general public. The decree establishes a procedure to handle claims and places restrictions on the Agency.

**B**

**Purpose**

Since the media has released information regarding the settlement for the Black Farmers, State and County Offices have received many calls from borrowers and the media. This notice provides guidance to:

- State and County Offices to ensure that everyone is providing the same information to borrowers and the media
- State Offices on loan processing and loan servicing issues.

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**Disposal Date**

October 1, 1999

**Distribution**

State Offices; State Offices relay to County Offices

## Notice FLP-26

### 1 Overview (Continued)

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#### C

**Referral of Calls** Refer all calls according to the following table.

IF calls are from...	THEN refer caller to...
the media	Laura Trivers Deputy Press Secretary 202-720-4623
farmers	Alexander J. Pires, Jr. Conlon, Frantz, Phelan, Pires & Leavy, LLP 1818 N St. NW Suite 700 Washington, DC 20036 202-331-7050

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#### D

**Contact** State Offices shall contact FLP for information according to the following table.

Information Required	FLP Contact	Telephone/FAX Nos.
loan servicing issues	LSPMD	202-720-4572 - Telephone 202-720-5804 - FAX
loan making issues	LMD	202-720-1632 - Telephone 202-720-1117 - FAX

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## Notice FLP-26

### 2 Action

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#### A

##### State Office Action

SED's shall ensure that they receive National Office approval on a case-by-case basis before:

- advertising and again before selling inventory property previously owned by a black farmer
- accelerating and again before foreclosing any black farmer.

The request must include the name and address of the previous owner if inventory property is involved or the name and address of the borrower if acceleration or foreclosure is involved so that a contact can be made with the USDA Office of the General Counsel, Civil Rights Division to see if the previous owner or present borrower is a member of the class action.

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#### B

##### County Office Action

Farm Loan Managers and CED's shall ensure that each employee fully understands the process in this Notice.

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#### C

##### Additional Guidance

FSA will continue to provide information on implementation requirements as guidance is received from OGC. Nothing contained in this notice allows the commencement of acceleration or foreclosure against any borrower without performing the present civil rights review of the file nor may any acceleration or foreclosure continue if a borrower has a present, outstanding civil rights complaint filed, or civil action with the Department.

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